

DRAWING AMENDMENTS

Please cancel drawing sheet 9 containing Figs. 14-16 and substitute therefor the enclosed amended drawing sheet 9 containing Figs. 14-16, which is marked "Replacement Sheet." In the amended drawing sheet 9, Fig. 16 is amended to change the reference character for the cam face of the release button from "163" to "162."

REMARKS

The Office Action mailed December 11, 2007 has been received and reviewed. By the present Response, Claim 19 is amended and Claims 23-29 are added. Currently pending in the application, then, are Claims 1-12 and 19-29, of which Claims 1, 19, and 21 are independent. No new matter has been introduced by this Response.

Drawings

The drawings have been objected to for failing to comply with 37 C.F.R. § 1.84(p) (4). In particular, the reference character "163" was used duplicatively. Correction has been made.

Objections

Claim 21 is objected to due to an informality, in particular, a misspelling of the word "and." Correction has been made. This amendment has not narrowed the scope of the claim.

Double Patenting

Claims 1-6, 11, and 12 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 2, 4, 6, 8, 10 and 13 of U.S. Patent No. 7,288,102. A Terminal Disclaimer and the requisite fee are enclosed. Accordingly, this ground for rejection is overcome.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7, 10-12, 21, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fukuzawa (WO 02/054952). The Applicant respectfully traverses these rejections.

The lancing device of Fukuzawa has a drive mechanism with a lancet holder 3, a drive spring 62, and an auxiliary member 8 that *engage and drive the lancet L through the entire lancing stroke*. As shown in Figure 8 of Fukuzawa, when the lancet L contacts and punctures the skin, the lancet holder 3, the drive spring 62, and the auxiliary member 8 are all bearing on the lancet L.

On the other hand, Claims 1-3 recite the lancing device including a lancet and a drive mechanism, with the drive mechanism having a drive spring and a lancet carrier. The lancet is engaged and driven by the drive mechanism during a first part of the

lancing stroke, but *disengages from and slidably floats relative to the drive mechanism during a second part of the lancing stroke*. Advantageously, the mass of the drive spring and the lancet carrier of the drive mechanism are not bearing on the lancet when the lancet contacts and punctures the skin, so the pain perceived by the puncture is lessened. This arrangement is not disclosed, suggested, or taught by the Fukuzawa reference, which relates to adjusting and controlling the penetration depth of the lancet.

For these reasons, Claims 1-3 are believed to be in condition for allowance. Claims 4-7 and 10-12 depend from Claims 1, so these claims are also believed to be in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

Claims 8, 9, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuzawa (WO 02/054952) in view of Schraga (US 6,514,270). Claims 8 and 9 depend from Claim 1, which is believed to be in condition for allowance for the reasons set forth above, so these claims are also believed to be in condition for allowance. Claim 19 is amended to recite the lancet decoupling from and floating relative to the drive mechanism, so this claim is believed to be in condition for allowance for the same reasons as set forth above with respect to Claim 1. And Claim 20 depends from Claim 19, so this claim is also believed to be in condition for allowance.

New Claims

Claims 23-29 are added to recite additional features of the invention not included in the claims as filed. These features are all disclosed in the application as filed, so no new matter has been added.

CONCLUSION

In view of the amendments submitted herein, it is believed that the application has now been placed in full condition for allowance. Accordingly, the Applicant requests early and favorable action. Should there be any further questions, the Examiner is urged to telephone the Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,
GARDNER GROFF
GREENWALD & VILLANUEVA, PC

/John W. Greenwald/
John W. Greenwald, Reg. No. 41,803

Customer No. 23506
GARDNER GROFF
GREENWALD & VILLANUEVA, PC
Tel: (770) 984-2300
Fax: (770) 984-0098